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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND
MARCH 27 2006
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BONITA HARMON, et al.,)	CASE NO. 1:05 CV 575
)	
Plaintiffs,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
EPPS AIR SERVICE, INC., et al.,)	
)	
Defendants.)	<u>MEMORANDUM OPINION AND</u> <u>ORDER</u>

This matter is before the Court on Plaintiffs' Motion for an Order that Certain Facts Qualifieldly Denied or Admitted by Defendant Business Aircraft Center, Inc. ("BAC") Be Taken as Admitted; and for an Order Overruling BAC'S Objection to Request for Admission 20 (Docket #53). Plaintiffs argue that BAC's responses to Plaintiffs' Requests for Admission Nos. 12, 14, 15, 16, 17, 18, 21, 22, and 30 should be deemed admitted because they contain extraneous factual statements that attempt to deny non-existent portions of the requests, and are thus inconsistent with the requirements of Fed. R. Civ. P. 36. Further, Plaintiffs ask this Court to overrule BAC's partial objection to Plaintiffs' Request for Admission No. 20, arguing that said objection is an invalid relevancy objection.

Based upon a thorough review of the briefs and supporting material submitted by the Parties, the Court finds Plaintiffs' Motion to be without merit. The responses provided by Defendant are appropriately responsive to Plaintiffs' Requests for Admission, while at the same time (1) protecting Defendant's position that Plaintiffs' decedent ignored an open and obvious danger, and (2) succinctly limiting the scope of facts admitted to avoid the conveyance of unwarranted and unfair inferences. Accordingly, Plaintiffs' Motion for an Order that Certain Facts Qualifieldly Denied or Admitted by Defendant Business Aircraft Center, Inc. ("BAC") Be Taken as Admitted; and for an Order Overruling BAC'S Objection to Request for Admission 20 (Docket #53) is hereby DENIED.

IT IS SO ORDERED.

Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: March 27, 2006